IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.1081 OF 2004

M/s.Tinwala Industries & anr. ... Appellants

V/s.

Hira Dham Co-operative
Housing Society ... Respondent

Dr.V.V. Tulzapurkar for Appellants
Mr.Aspi Chinoy with Mr.Niranjan Pandit and R.U. Singh for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 22, 2004**

P.C.:

. This Appeal from Order has been filed against an ad-interim order. In my view, there is no need to interfere with the same at this stage since the Motion is still pending. It would be appropriate for the learned trial Judge to dispose of the Motion as expeditiously as possible and in any event by 1st March, 2005. This is because the construction of the respondent is in question. The replies, if any, to the Motion shall be filed within one week from today. Rejoinder, if any, to be filed by 17th January, 2005.

2. The trial Court shall dispose of the Motion uninfluenced by any observations made at the ad-interim

stage.

3. In view of this, Appeal from Order is disposed of.

4. In view of the Appeal from Order being disposed of, nothing survives in Civil Application No.1539 of 2004 and the same is disposed of accordingly.